

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TANG CAPITAL PARTNERS, LP

Plaintiff,

v.

BRC INC.,

Defendant.

Case No.: 1:22-cv-03476-RWL

ECF Case

NOTICE OF DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT

PLEASE TAKE NOTICE that upon (i) the accompanying Memorandum of Law in Support of Defendant’s Motion to Dismiss Plaintiff’s Complaint, (ii) the Declaration of Byron Pacheco in Support of Defendant’s Motion to Dismiss Plaintiff’s Complaint, dated July 29, 2022, and the exhibits annexed thereto, the undersigned will move this Court before the Honorable Robert W. Lehrburger, Magistrate Judge, Courtroom 18D, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007 at a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Plaintiff’s Complaint (Dkt. 1) in the above-captioned action in its entirety and with prejudice and for other such further relief the Court may deem just and proper.

This Motion is made following the conference of counsel and the submission of pre-motion letters, including Defendant’s letter motion requesting a briefing schedule, dated June 10, 2022 (Dkt. 17), and Plaintiff’s response dated June 27, 2022 (Dkt. 18). Plaintiff has not amended its Complaint. On June 29, 2022, the Court ordered that “Defendant may proceed with filing a motion to dismiss.” (Dkt. 24.)

Dated: New York, New York
July 29, 2022

KIRKLAND & ELLIS LLP

/s/ Stefan Atkinson

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